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Attention: Examiner: Temica M. Beamer

Supervisory Examiner: Erika Gary

UNITED STATES PATENT AND TRADEMARK
OFFICE

Examiner: Temica M. Beamer

Supervisory Examiner: Erika Gary

Pages: Cover+1+7= 9

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Georgann S. Grunebach, Reg. No. 33,179June 21, 2005
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Please find attached Re: 09/594,374

- > Appeal Brief Transmittal
- > Brief On Appeal with Appendix A

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The DIRECTV Group, Inc. - RE / R11 / A109, P.O. Box 956 - 2250 E. Imperial Highway, El Segundo, CA 90245-0956

CUSTOMER NO.: 020991

PATENT
Docket No. PD-200092**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Donald C.D. Chang, et al.

Date: June 21, 2005

Serial No.: 09/594,374

Filed: June 15, 2000

For: COMMUNICATION SYSTEM AS A SECONDARY
PLATFORM WITH FREQUENCY REUSE

Group Art Unit: 2681

Examiner: Temica M. Beamer

**APPEAL BRIEF
TRANSMITTAL LETTER**Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is the Appeal Brief for the above-identified patent application.

_____ Applicant petitions for an extension of time for _____ months(s). If an additional extension of time is required, please consider this a petition therefor.

_____ An extension for _____ months(s) has already been secured; the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested. _____
Extension fee due with this request \$ _____

X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

X The Appeal Brief Fee of \$ 500.00 is due.

X The total fee due is \$500.00. Please charge this amount to Deposit Account No. 50-0383 of The DIRECTV Group, Inc. (formerly Hughes Electronics Corporation), El Segundo, California. If any additional appeal brief fee or extension fee is required, please charge to Deposit Account No. 50-0383.

Respectfully submitted,


Georgann S. Grunebach, Registration No.: 33,179-
Attorney for Appellants**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

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CUSTOMER NUMBER 020991The DIRECTV Group, Inc.
Patent Docket Administration
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Date: June 21, 2005
(Signature of person transmitting correspondence)June 21, 2005
(Date of Signature)

**RECEIVED
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Customer Number 020991

JUN 21 2005

PATENT
Docket No.: PD-200092**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Donald C. D. Chang, et al.

Serial No.: 09/594,374

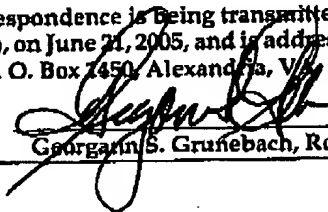
Group Art Unit: 2681

Filed: June 15, 2000

Examiner: Beamer, Temica M.

For: **COMMUNICATION SYSTEM AS A SECONDARY PLATFORM
WITH FREQUENCY REUSE****CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

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June 21, 2005
(Date of Deposit)
Georgann S. Grunebach, Reg. No. 33,179 (Signature)**BRIEF ON APPEAL**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following Appeal Brief is submitted pursuant the Notice of Appeal filed April 26, 2005, in the above-identified application.

1. Real Party in Interest

The real party in interest in this matter is The DIRECTV Group, Inc. The DIRECTV Group, Inc. is the assignee of the present invention and application.

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2. Related Appeals and Interferences

There are no other known appeals or interferences, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. Status Of The Claims

Claims 1, 2, 5, and 9-19 are allowed. Claim 8 was cancelled in an amendment dated August 13, 2004. Claims 6 and 7 are currently pending and stand under final rejection, from which this appeal is taken.

4. Status Of Amendments

There have been no amendments filed subsequent to the final rejection.

5. Summary Of The Invention

The present invention is directed to a communication system that has a first stratospheric platform having a primary payload and a secondary payload. The secondary payload generates the communication signals at a first frequency, which is also used in a geosynchronous satellite. The primary and secondary payloads in claim 6 are described at page 7, lines 6-10 of the specification.

Independent claim 6 and dependent claim 7 are presented in the appeal. They are set forth below with element numerals added which read on Figure 3:

6. A communication system for use with geosynchronous satellite systems broadcasting a first beam at a first frequency comprising:

a first stratospheric platform (12A) having a primary payload (36) and a secondary payload (38), said secondary payload (38) generating communication signals having the first frequency.

7. A system as recited in claim 6 further comprising a second stratospheric platform (12B) generating a third beam having the first frequency.

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6. Issues

The following issues are presented in this appeal, which correspond directly to the Examiner's final ground for rejection in the final Office Action dated December 28, 2004 and an Advisory Action mailed April 13, 2005:

(1) Whether claim 6 is patentable under 35 U.S.C. § 102 (a) over U.S. Patent 5,584,047 to Tuck.

(2) Whether claim 7 is patentable under 35 U.S.C. § 103(a) over Tuck.

7. Grouping of Claims

Claims 6 and 7 are grouped together. Claim 6 being independent and claim 7 depending therefrom.

8. Argument**(a) Claim 6**

The Examiner asserted that in the broadest sense, the primary and secondary payload reads on the uplink and downlink described in Tuck, in that the links carry different information from the user terminal to the platform (uplink) and processed information from the platform to the user (downlink).

Applicants, however, respectfully submit that the uplink and downlink in Tuck are part of the same payload. A payload of a satellite may form what is called a bent pipe repeater. The bent pipe repeater in its simplest sense receives uplink signals and transmits signals to various points on the earth through corresponding downlink signals having the same content. Changes in frequencies, timing, phase, and direction may take place, but the content remains the same. A bent pipe repeater is shown in the Tuck reference. The Tuck reference discloses one payload (see Figure 10B) for processing uplink signals that are then downlinked. This is a continuous process, which receives the uplink signals through the uplink antenna then low pass filters a signal, provides a low noise amplifier, and a mixer coupled to a local oscillator to process the signal. The signal is then band-pass filtered, amplified and sent through a downlink antenna to another antenna.

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The Applicants believe that the Examiner's reasoning is inconsistent with satellite technology. As discussed above, communications satellites receive signals from an uplink and then re-transmit these signals to a downlink. It does not make sense to break this up into primary and secondary payloads, since, if only the uplink were provided, the satellite would have no purpose since a downlink could not be provided.

The secondary payload in claim 6 of the present invention is in addition to the primary payload. The primary payload, if in a communication setting, would also provide both uplink and downlink signals. It is respectfully asserted that the Examiner's interpretation of primary and secondary payloads is thus inconsistent with the current satellite technology.

The Examiner is attempting to replace the term "uplink" from Tuck with the term "primary payload" in the present invention and the term "downlink" from Tuck with the term "secondary payload" in the present invention. Applicants respectfully assert that the terms are not interchangeable. In the present invention the primary and secondary payloads are separate and distinct payloads. Furthermore, the payloads of the present invention are not limited to uplink for the primary payload and downlink for the secondary payload as suggested by the Examiner.

The uplink and downlink described in the Tuck reference are part of a single payload. Figure 10B of the Tuck reference shows only one payload that receives uplink signals that are ultimately downlinked. The Tuck reference does not disclose, nor does it suggest, primary and secondary payloads as claimed by the Applicants in the present invention.

(b) Claim 7

Claim 7 stands rejected under 35 U.S.C. § 103 as being unpatentable over Tuck. Claim 7 cites a second stratospheric platform generating a third beam having the first frequency. As mentioned above, claim 6 is distinguished from Tuck for the reasons defined above. Claim 7 further limits claim 6 and is therefore believed to be allowable for the same reasons set forth above.

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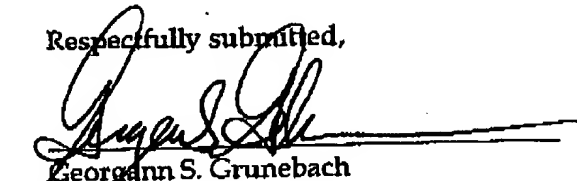
9. **Appendix**

A copy of the claims involved in this appeal, namely claims 6 and 7, is attached hereto as Appendix A.

10. **Conclusion**

For the reasons advanced above, Appellants respectfully contend that each claim is patentable. Therefore reversal of the rejections is requested.

Respectfully submitted,



Georgann S. Grunebach
Reg. No. 33,179
Attorney for Appellants

Dated: June 21, 2005

THE DIRECTV GROUP, INC.
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P.O. Box 956
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Phone: (310) 964-4615

APPENDIX A

What is claimed is:

6. A communication system for use with geosynchronous satellite systems broadcasting a first beam at a first frequency comprising:

a first stratospheric platform having a primary payload and a secondary payload, said secondary payload generating communication signals having the first frequency.

7. A system as recited in claim 6 further comprising a second stratospheric platform generating a third beam having the first frequency.